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Co-Counsel to the Reorganized Debtors

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

)	Chapter 11
In re:)	
)	Case No. 20-22476 (RDD)
FRONTIER COMMUNICATIONS)	
CORPORATION <i>et al.</i> , ¹)	Judge Robert D. Drain
)	
Reorganized Debtors.)	(Jointly Administered)
)	

**NOTICE OF
REORGANIZED DEBTORS' MOTION SEEKING ENTRY OF AN ORDER
AUTHORIZING THE FILING OF REORGANIZED DEBTORS' CORRECTED
PRETRIAL BRIEF UNDER SEAL**

PLEASE TAKE NOTICE that on May 2, 2022, the above-captioned reorganized debtors ("Frontier") filed the *Reorganized Debtors' Motion for Entry of an Order Authorizing*

¹ The Reorganized Debtors with open cases remaining in these chapter 11 cases (along with the last four digits of their federal tax identification numbers) are Frontier Communications Corporation (9596) and Frontier Southwest Incorporated (3444). Additional information about the Reorganized Debtors may be obtained on the website of the Reorganized Debtors' claims and noticing agent at <https://cases.primeclerk.com/ftt>. The location of the Reorganized Debtors' service address for purposes of these chapter 11 cases is: 401 Merritt 7, Norwalk, Connecticut 06851.

the Filing of Reorganized Debtors' Corrected Pre-Trial Brief Under Seal (the "Motion"). A hearing (the "Hearing") on the Motion will be held on **May 10, 2022, at 10:00 a.m., prevailing Eastern Time**. In accordance with General Order M-543 dated March 20, 2020, the Hearing will be conducted via Zoom videoconference. Any parties wishing to participate in the Hearing will be required to register their appearance through Zoom by visiting <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>. Objecting parties will be required to attend the Hearing, and failure to appear may result in relief being granted upon default.

PLEASE TAKE FURTHER NOTICE that any responses or objections (each an "Objection") to the relief requested in the Motion shall: (a) conform to the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules for the Southern District of New York, and all General Orders applicable to chapter 11 cases in the United States Bankruptcy Court for the Southern District of New York; and (b) be served so as to be actually received by **May 7, 2020, at 4:00 p.m., prevailing Eastern Time** in a manner consistent with the *Interim Order Establishing Certain Notice, Case Management, and Administrative Procedures* [Docket No. 81] (the "Interim Case Management Order") and the procedures set forth therein as Exhibit 1 (the "Case Management Procedures").

PLEASE TAKE FURTHER NOTICE that if no Objections are timely filed and served with respect to the Motion, the Debtors shall, on or after the Objection Deadline, submit to the Court an order substantially in the form annexed as Exhibit A to the Motion, which order the Court may enter with no further notice or opportunity to be heard.

PLEASE TAKE FURTHER NOTICE that the Hearing may be continued or adjourned thereafter from time to time without further notice other than an announcement of the

adjourned date or dates at the Hearing. The Debtors will file an agenda before the Hearing, which may modify or supplement the Motion to be heard at the Hearing.

PLEASE TAKE FURTHER NOTICE that a copy of the Motion and other pleadings filed in these chapter 11 cases may be obtained free of charge by visiting the website of Prime Clerk LLC at <https://cases.primeclerk.com/ftt>. You may also obtain copies of the Motion and other pleadings filed in these chapter 11 cases by visiting the Court's website at <http://www.nysb.uscourts.gov> in accordance with the procedures and fees set forth therein

Dated: May 2, 2022

Respectfully submitted,

FRONTIER COMMUNICATIONS
CORPORATION *et al.*

By their Attorneys,

/s/ Timothy Shannon
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CORPORATION <i>et al.</i> , ²)	Judge Robert D. Drain
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Reorganized Debtors.)	(Jointly Administered)
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**REORGANIZED DEBTORS' MOTION FOR AN ORDER
AUTHORIZING THE FILING OF REORGANIZED DEBTORS'
CORRECTED PRE-TRIAL BRIEF UNDER SEAL**

The above-captioned reorganized debtors ("Frontier") hereby move (the "Motion") for an order authorizing Frontier to file under seal portions of its Corrected Pretrial Brief, which is filed contemporaneously herewith. In support of the Motion, Frontier respectfully states as follows:

² The Reorganized Debtors with open cases remaining in these chapter 11 cases (along with the last four digits of their federal tax identification numbers) are Frontier Communications Corporation (9596) and Frontier Southwest Incorporated (3444). Additional information about the Reorganized Debtors may be obtained on the website of the Reorganized Debtors' claims and noticing agent at <https://cases.primeclerk.com/ftt>. The location of the Reorganized Debtors' service address for purposes of these chapter 11 cases is: 401 Merritt 7, Norwalk, Connecticut 06851.

RELIEF REQUESTED

1. By this Motion, Frontier respectfully request entry of an order, substantially in the form attached hereto as Exhibit A, authorizing Frontier to file portions of its Corrected Pretrial Brief under seal. Frontier will provide unredacted versions of the Corrected Pretrial Brief to (i) the United States Bankruptcy Court for the Southern District of New York (the “Court”); (ii) counsel to Claimant Intellectual Ventures II, LLC (“IV”); and (iii) the United States Trustee.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference from the United States District Court for the Southern District of New York, dated January 31, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

3. Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The statutory bases for the relief requested herein are sections 105(a) and 107(b) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the “Bankruptcy Code”).

BACKGROUND

5. Pursuant to the Court’s adjudication schedule entered on November 29, 201 (Dkt. 2037), the deadline for Frontier file its Pretrial Brief was April 29, 2022.

6. Frontier’s original Pretrial Brief contains references to and quotations from documents that have been designated by IV as well as third-party Aware, Incorporated (“Aware”) as “confidential” or “highly confidential” pursuant to the *Confidentiality Agreement*

and Stipulated Protective Order (the “Protective Order”) entered in this matter (Dkt. 666).

Frontier’s original Pretrial Brief does not contain any material for which Frontier believes requires sealing. The Protective Order governs the production, review, disclosure and handing of information exchanged by and among the Debtor, IV and third-parties in these chapter 11 cases. Given IV’s and Aware’s designation of certain materials as “confidential” or “highly confidential,” (the “Designated Materials”) and pursuant to the Protective Order, Frontier makes this Motion. On April 29, 2022, Frontier filed its original Pretrial Brief. Frontier’s original Pretrial Brief inadvertently omitted a table of contents and table of authorities. For the convenience of the Court, Frontier now submits a Corrected Pretrial Brief that includes a table of contents and a table of authorities, but makes no other changes and includes the same Designated Materials as Frontier’s original Pretrial Brief.

BASIS FOR RELIEF

7. Section 105(a) of the Bankruptcy Code codifies the Court’s inherent equitable powers to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). Furthermore, pursuant to section 107(b)(1) of the Bankruptcy Code, the Court may authorize the Frontier to redact confidential information from the filed version of the Objection and file the unredacted Objection under seal. *See* 11 U.S.C. § 107(b). Specifically, Section 107(b) provides, in relevant part, that:

On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court’s own motion, the bankruptcy court may — (1) protect an entity with respect to a trade secret or confidential research, development, or commercial information . . .

11 U.S.C. § 107(b)

8. Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) sets forth the procedures by which a party may obtain a protective order authorizing the

filing of a document under seal. Bankruptcy Rule 9018 provides, in relevant part, that “[o]n motion, or on its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information” Fed. R. Bankr. P. 9018.

9. Because Frontier has redacted only the portions of its Corrected Pretrial Brief that reference or are otherwise based upon material that, according to the IV and Aware, constitute “confidential” or “highly confidential” information, the relief requested herein falls within the scope of section 107(b) and the other authorities cited above. The Court should grant Frontier’s request.

MOTION PRACTICE

10. This Motion includes citations to the applicable rules and statutory authorities upon which the relief requested herein is predicated and a discussion of their application to this Motion. Accordingly, Frontier submits that this Motion satisfies Local Rule 9013-1(a).

NOTICE

11. Frontier will provide notice of this Motion to each of the parties as required by the Final Order (I) Establishing Certain Notice, Case Management, and Administrative Procedures and (II) Granting Related Relief [Docket No. 390].

NO PREVIOUS REQUEST

12. Frontier previously moved for an order seeking authorizing Frontier to redact certain information in its original Pretrial Brief and accompanying exhibits. *See* Dkt. 2077. Frontier’s prior motion has yet to be ruled upon.

WHEREFORE, Frontier respectfully request that the Court grant the Motion and allow Frontier to file under seal those portions of the Corrected Pretrial Brief that reference or are based upon the Designated Materials.

Dated: May 2, 2022

Respectfully submitted,

FRONTIER COMMUNICATIONS
CORPORATION *et al.*

By their Attorneys,

/s/ Timothy Shannon

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